

SENATE BILL

No. 68

**Introduced by Senator Huff
(Coauthor: Senator Wyland)**

February 16, 2010

An act to amend Section 25213 of the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 68, as introduced, Huff. Energy: State Energy Resources Conservation and Development Commission: regulations.

The Warren-Alquist State Energy Resources Conservation and Development Act requires the State Energy Resources Conservation and Development Commission to adopt those regulations that are necessary to carry out the act.

This bill would require the commission to submit a regulation that is adopted by the commission, but which is not operative, on or before January 1, 2011, to the Legislature before the regulation may become operative. The bill would provide that the regulation would become operative only if both houses of the Legislature approve the regulation by a majority vote and the state's unemployment rate remains below 5.1% for 3 consecutive months.

The bill would prohibit a regulation that is adopted, but not implemented, on or before January 1, 2011, from being implemented until the state's unemployment rate remains below 5.1% for 3 consecutive months. A subsequent rise in the unemployment rate after that consecutive 3-month period would not prevent the commission from implementing new regulations.

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on January 8, 2010.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on January 8, 2010, pursuant to the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25213 of the Public Resources Code is
2 amended to read:

3 25213. (a) The commission shall adopt rules and regulations,
4 as necessary, to carry out the provisions of this division in
5 conformity with the provisions of Chapter 3.5 (commencing with
6 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
7 Code. The commission shall make available to ~~any~~ a person upon
8 request copies of proposed regulations, together with summaries
9 of reasons supporting their adoption.

10 (b) *Notwithstanding subdivision (a), a regulation that is adopted*
11 *by the commission, but which is not operative, on or before January*
12 *1, 2011, shall not become operative until the commission submits*
13 *the regulation to the Legislature and both houses of the Legislature*
14 *approve the regulation by a majority vote.*

15 (c) *Notwithstanding subdivisions (a) and (b), a regulation of*
16 *the commission that is adopted, but not operative, on or before*
17 *January 1, 2011, shall not become operative until the state's*
18 *unemployment rate remains below 5.1 percent for three consecutive*
19 *months. A subsequent rise in the unemployment rate after that*
20 *consecutive three-month period shall not prevent the commission*
21 *from implementing new regulations.*

22 SEC. 2. This act addresses the fiscal emergency declared by
23 the Governor by proclamation on January 8, 2010, pursuant to
24 subdivision (f) of Section 10 of Article IV of the California
25 Constitution.

O